

The opinion in support of the decision being entered today was *not* written for publication in a law journal and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LISA S. MARTIN, TRACY A. MASSON, MATTHEW S. SNYDER,
and PHILIP F. MALLORY

Appeal 2006-3150
Application 09/773,102
Technology Center 3600

Decided: March 28, 2007

Before ANITA PELLMAN GROSS, STUART S. LEVY, and ANTON W.
FETTING, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Martin, Masson, Snyder, and Mallory (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1 and 3 through 18, which are all of the claims pending in this application.

Appellants' invention relates to a method for a manufacturer to order material from supplier. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for a manufacturer to order material, comprising:

considering a quantity of a material available from a plurality of suppliers via a computer system;

considering a quantity of a material available from a plurality of supplier logistics centers via a computer system;

identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering; and

sending electronically an order for the material to the supplier or supplier logistics center identified to receive the order

wherein the material is not ordered until the manufacturer realizes a demand, wherein the manufacturer realizes the demand for the material after orders are received from customers, fulfilling the orders requires assembling products, and assembling products requires the material.

The references of record relied upon by the Examiner in rejecting the appealed claims are:

Goss	US 6,236,901 B1	May 22, 2001 (filed Mar. 31, 1998)
Peterson	US 6,324,522 B2	Nov. 27, 2001 (effectively filed Sep. 15, 1997)
Aram	US 2002/0072986 A1	Jun. 13, 2002 (filed Mar. 05, 2001)

Claims 1, 3, 5 through 9, 11 through 15, 17, and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Aram in view of Goss.

Claims 4, 10, and 16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Aram in view of Goss and Peterson.

We refer to the Examiner's Answer (mailed March 2, 2006) and to Appellants' Brief (filed December 12, 2005) and Reply Brief (filed May 2, 2006) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will reverse the obviousness rejections of claims 1 and 3 through 18.

OPINION

The rejections of all of the claims rely upon Aram as a primary reference. Aram has a filing date of March 5, 2001. The current application was filed January 31, 2001, a little over one month prior to the filing date of Aram. Thus, Aram does not qualify as prior art against the instant claims. Accordingly, we cannot sustain the obviousness rejection of claims 1, 3, 5 through 9, 11 through 15, 17, and 18 over Aram in view of Goss nor of claims 4, 10, and 16 over Aram in view of Goss and Peterson.

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ORDER

The decision of the Examiner rejecting claims 1 and 3 through 18
under 35 U.S.C. § 103 is reversed.

REVERSED

vsh

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